

THE HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT TACOMA

LEXI FOSTER and VERGEL WORRELL,

Plaintiffs,

v.

WOODCREEK PEDIATRICS, P.L.L.C.,
HENRY REITZUG, M.D., individually
and the marital community thereof with
JANE DOE REITZUG, DIANA GARINO,
individually and the marital community
thereof with JOHN DOE GARINO, ERIN
CLARK, individually and the marital
community with JOHN DOE CLARK, and
DOES 1-10 inclusive,

Defendants.

NO. C07-5318-RJB

STIPULATION AND ORDER
FOR BINDING, NON-
APPEALABLE ARBITRATION

STIPULATION

Plaintiffs Lexi Foster and Vergel Worrell, by and through their attorneys, Davies
Pearson and Nigel S. Malden, and defendants Woodcreek Pediatrics, LLC, Henry
Reitzug, M.D., individually and the marital community thereof with "Jane Doe" Reitzug,

STIPULATION AND ORDER FOR BINDING,
NON-APPEALABLE ARBITRATION

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1 and Erin Clark, individually and the marital community with "John Doe" Clark, by and
 2 through their attorneys, Vandenberg Johnson & Gandara and H. Andrew Saller, Jr., in
 3 accordance with Fed. R. Civ. Pro. 39.1 and RCW 7.04A, et. seq. stipulate that all issues,
 4 factual, legal and equitable, in this case shall be decided by binding, final, arbitration by
 5 an arbitrator to be mutually agreed upon, under the following terms:

- 6 1. Except as provided by RCW 7.04A.200, 230 or 240, the decision of the arbitrator
 7 shall be final and binding on all parties.
- 8 2. There shall be no appeal except as permitted under RCW 7.04 et seq.
- 9 3. The prevailing party shall be entitled to enter judgment thereon upon fifteen (15)
 10 days notice to the non-prevailing party.
- 11 4. Defendant Woodcreek Pediatrics, PLLC, shall be solely responsible for payment
 12 of the arbitrator's fees, including preparation and hearing time.
- 13 5. The parties shall continue to cooperate in disclosure and discovery matters.
 14 Discovery shall be governed by the Washington Superior Court Civil Rules. The
 15 parties will work together to minimize the amount of formal discovery required.
 16 In the event of any discovery dispute, the dispute shall be resolved by the
 17 arbitrator.
- 18 6. The arbitrator shall have 21 days after the close of the arbitration hearing to
 19 render a decision in writing and provide the same to the parties.
- 20 7. The action now pending in the United States District Court for the Western
 21 District of Washington at Tacoma under cause no. C07-5318RJB shall be
 22 dismissed with prejudice and without costs to any party.

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 24 STIPULATION AND ORDER FOR BINDING,
 25 NON-APPEALABLE ARBITRATION

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ORDER

IT IS HEREBY ORDERED that in accordance with the above stipulation and Fed. R. Civ. Pro. 39.1, the parties shall arbitrate all issues asserted in any pleadings filed herein including all claims. Except as provided by RCW 7.04A.200, 230 or 240, the decision of the arbitrator agreed to by the parties shall be final and binding as to all issues incident to the matters asserted in this action, including all claims that arise out of the events, transactions and occurrences, alleged in the pleadings filed or to be filed herein including for special, general and punitive damages, costs and attorneys fees. Except as provided above, neither party shall be permitted to demand a *trial de novo* or otherwise appeal or challenge the decision of the arbitrator with respect to any issues.


IT IS HEREBY FURTHER ORDERED that the matter pending in this court is hereby dismissed with prejudice and without costs to any party.

DATED this 6th day of June, 2008.


HON. ROBERT J. BRYAN
United States District Court Judge

Presented by:

VANDEBERG JOHNSON & GANDARA

By: 
H. Andrew Saller, Jr., WSBA #12945
Attorneys for Defendants

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NON-APPEALABLE ARBITRATION

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1 COPY RECEIVED AND NOTICE
2 OF PRESENTATION WAIVED:
3 DAVIES PEARSON, P.C.

4 By: 

5 Nigel S. Malden, WSB #15643
6 Attorneys for Plaintiffs
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24 STIPULATION AND ORDER FOR BINDING,
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